

REMARKS

The Office Action dated October 18, 2006, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete Response thereto.

Claims 32-34, 37, 41, 45, and 54 are amended to more particularly point out and distinctly claim the subject matter of the invention. No new matter has been added. Claims 28-54 are respectfully submitted for consideration.

Claims 28-54 were rejected under 35 USC 102(e) as being anticipated by *Heinonen* (U.S. Patent Publication No. 2004/02132). As will be discussed below, Applicants respectfully submit that claims 28-54 recite subject matter which neither disclosed or suggested in *Heinonen*.

As a preliminary matter, Applicants note that *Heinonen* was used to reject original claims 1-27 in an Office Action dated August 24, 2005. However, claims 1-27 had been canceled without prejudice in a Preliminary Amendment dated December 10, 2004. Upon bringing this error to the attention of the Examiner in a Response which was filed on November 23, 2005, the rejection over *Heinonen* seems to have been withdrawn, and claims 28-54 were rejected under 35 USC 102(e) as being anticipated by GB Patent No. 2356231.

In a Response which Applicants filed on August 3, 2006, no amendments were made; Applicants discussed distinctions which exist between claims 28-54 and the GB

reference. In the present Office Action dated October 18, 2006, claims 28-54 are now apparently finally rejected under 35 USC 102(e) as being anticipated by *Heinonen*.

Applicants respectfully but strongly request that the finality of this Office Action be withdrawn. No substantive amendments have been made to the claims in this application since the Preliminary Amendment of December 10, 2004. It is respectfully and strongly submitted, therefore, that the finality of this rejection is improper. No amendments were made which necessitated a new ground of rejection.

Furthermore, Applicants respectfully submit that the “Response to Arguments” section of the Office Action is primarily a “cutting and pasting” of paragraphs 48-51 of *Heinonen*. This is an improper response to applicants’ arguments of August 3, 2006, since Applicants arguments of August 3, 2006, were directed to the immediately previous rejections of claims 28-54 as being unpatentable over GB 2356231. Applicants respectfully submit that this Office Action does not meet the requirements of the final rejection under MPEP 706.07, in that reasons in support of a final rejection are not clear. Furthermore, the finality of the rejection is improper since Applicants have not had the opportunity to address a rejection of claims 28-54 in view of *Heinonen*. No amendments were made which necessitated such new grounds of rejection. In the event that this application is not found to be in condition for allowance, therefore, it is respectfully requested that a new non-final Office Action be issued.

Furthermore, as will be discussed below, Applicants respectfully submit that the presently pending claims recite the subject matter which is neither disclosed nor suggested in the cited prior art.

Claim 28, upon which claims 29-40 are dependent, recites a method of providing a profile to a mobile terminal, wherein the method includes allocating a profile to a specific event, detecting an association of a mobile terminal with said event, and transmitting said profile to said mobile terminal.

Claim 41, upon which claims 42-53 are dependent, recites an application server configured to provide an event specific profile to at least one mobile terminal. The server includes a first communications interface configured to provide a mobile network with event specific information, a second communications interface configured to receive details of a mobile terminal associated with said event specific information, and a third communications interface configured to transmit the event specific profile to the mobile terminal associated with said event specific information.

Claim 54 recites a communication system configured to provide event specific profiles to mobile terminals. The system including an application server associated with the event, a mobile communication network configured to receive event specific characteristics from the application server, and at least one mobile terminal configured to connect to said network, wherein the mobile network notifies the application server if the mobile terminal is associated with said event, and when responsive thereto the application server transmits the event specific profile to said mobile terminal.

As will be discussed below, Applicants respectfully submit that each of claims 28-54 recite subject matter which neither disclosed nor suggested in *Heinonen*.

As discussed in Applicants' earlier remarks, a "profile" is defined in Applicant's specification as a collection of user settings or preferences that the end user can automatically manage together. (See Applicant's Specification, page 1, paragraph 4.) Further description of the profiles may be found on pages 8 and 9, where it is indicated that profiles may also include information such as wallpaper that customizes the mobile terminal's display, customized sounds or tones that may be emitted from the mobile terminal, and/or icons that may be displayed on the mobile terminal display. Thus, for example, the method of the invention provides that profile information (wallpaper, sounds, tones, icons, etc.) may be allocated to a location dependent event, and when a mobile terminal is detected to be associated with the location dependent event, then the profile information is sent to the mobile terminal.

Heinonen, as discussed in Applicants' earlier remarks, teaches a system and method for permitting a user to access an internet service over a short range wireless access point, while also being able to resume the internet service when the user moves outside of the coverage area of the short range wireless access point. When the user's mobile device moves outside of the range of the wireless access point, the device sends a request for service to an internet server, which then sends a response message to the mobile device indicating that the service can be continued using alternative channels outside of the range of the original short range wireless access point.

Applicants again strongly submit that there is no disclosure nor suggestion in Heinonen of allocating a profile to a specific event, detecting an association of the mobile terminal with the specific event, and/or transmitting the profile to the mobile terminal upon detecting the association of the mobile terminal with the event. Referring for example to paragraph 0054 of Heinonen, only the mobile wireless device 100, leaving a coverage area of a short range wireless access point, it is the mobile terminal itself that detects that it has left the coverage area. This is clearly discussed, for example, in lines 6-7 of paragraph 0054 of Heinonen. The mobile terminal then reads the global/local parameter, which is already stored at the mobile terminal, to determine how to proceed with the service. There is no disclosure nor suggestion in Heinonen of any transmission of a profile, or even any data, to the mobile terminal in response to detecting the association of a mobile terminal with an event.

Similarly, with respect to the profile, the claims require that a profile must be sent from an entity to the mobile. The only data which is sent to a mobile terminal in Heinonen is “response message” which is sent from the content server to the mobile terminal in response to a request for a service. Refer, for example, to paragraph 0052 of Heinonen, and Figure 1F thereof. This response message can contain the local/global parameter and handover address, as well as other parameters. The content of the response message are all related, therefore, to the content that the user has requested from the server, and the manner in which it is to be displayed on a mobile device. However, Applicants respectfully yet strongly submit that it would be improper for such parameters

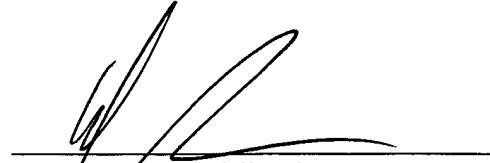
to be considered to be in any way comparable to a profile, as recited in the presently pending claims. As mentioned previously, profiles are clearly defined in the Applicants' specification as collections of user settings or preferences that the end user can automatically manage together. It would, therefore, be clear error to construe Heinonen as dealing with profiles in any way which is comparable to the present invention.

In view of the above, Applicants respectfully but strongly submit that each of claims 28-54 recite subject matter which is neither disclosed nor suggested in recited prior art. Applicants submit that this subject matter is more than sufficient, therefore, to render the claimed invention an obvious to person of ordinary skill in the art. The applicants therefore respectfully request that claims 28-54 be found allowable, and this application passed to issue.

In the event that this application is not found to be in condition for allowance, Applicants respectfully request that the holding of finality of this Office Action be withdrawn since it is improper, and request that the new, non-final Office Action be issued which appropriately addresses the presently pending claims, and provides Applicants the opportunity to fully respond in compliance with the United States patent practice.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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